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AND OF

THE SUPREME JUDICIAL COURT

TO THE MEMORY OF

Samuel Hoar

TOGETHER WITH

THE FUNERAL ADDRESS

BY SAMUEL A. ELIOT, D. D.

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THE RESOLUTIONS OF THE UNION CLUB

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SAMUEL HOAR

BORN, SEPTEMBER 27, 1845

DIED, APRIL 11, 1904

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PROCEEDINGS OF THE BAR ASSOCIATION

A SPECIAL MEETING of the Bar Association of the City of Boston was held in the room of the Supreme Judicial Court in Boston on Friday, June 3, 1904, at noon, to receive the report of the committee appointed to prepare resolutions upon the death of the late SAMUEL HOAR, Esquire; Charles P. Greenough, Esq., President of the Bar Association, in the chair, and William F. Wharton, Esq., acting as Secretary.

THE PRESIDENT: The meeting will please come to order.

This meeting has been held, as you know, to receive the report of a committee appointed to prepare resolutions on the death of our late associate, Mr. Samuel Hoar. Is the committee ready to report?

MOORFIELD STOREY, Esq.: Mr. Chairman, the committee present the following report: —

The members of the Suffolk Bar desire to record in permanent form their appreciation of the character and services of their late associate, Samuel Hoar, and to express their sorrow at the early death of one who was eminent both as a lawyer and as a citizen.

SAMUEL HOAR

SAMUEL HOAR, the eldest son of Ebenezer Rockwood Hoar and Caroline Downes (Brooks) Hoar, was born at Concord in Massachusetts on the 27th of September, 1845. He drew his blood from stocks long distinguished in the annals of State and country for ability, character, and public spirit, and from them also he inherited the powers and the tastes which from his cradle destined him for the Bar. A lineal descendant of Roger Sherman, whom John Adams described as "one of the strongest and soundest pillars of the Revolution," he came also from families of Lincoln and Concord, which sent not less than six members to the fight at Concord Bridge. His grandfather, Samuel Hoar, was a leader at the Massachusetts Bar, and the traditions of his grave wisdom tempered by a sense of humor, his influence over juries, his strong character, will not soon be forgotten among us. His father, eminent alike at the Bar, on the Bench, and in high political office, a judge of our highest court, an Attorney-General of the United States, a member of the Joint High Commission which settled our controversies with Great Britain after the Civil War, was the type of the best that Massachusetts can produce. Judge Hoar's sincere love of freedom, his high ideals of public duty, his absolute independence, his indifference to selfish considerations, his rugged honesty, his brilliant wit, the rare combination of qualities which were united in him, won the

admiration and respect of the best wherever he was known. From him as from his ancestors on all sides Samuel Hoar derived a great inheritance of character and strength, and he felt the full force of the obligations which such an inheritance imposed upon him.

He was prepared for college at the famous school of Mr. Sanborn in Concord, to which so many men and women look back with pleasure, and was still there in 1862, when without consulting his parents he enlisted at Portland in a Maine regiment. From this he was transferred at his father's request to the Forty-Eighth Massachusetts Volunteers, a nine months' regiment, with which he served during the campaign which ended with the capture of Port Hudson. He took part in the two attacks upon that stronghold, and afterward in a battle at Donaldsonville in Louisiana, where he was sunstruck. The stroke was followed by malarial fever, and when his regiment was mustered out he returned home so much reduced in health that he had lost fifty pounds in weight, a large percentage of his capital at the time.

He resumed his preparation for college, and entered Harvard in 1864 as a member of the Class of 1867, with which he graduated. He immediately began the study of law in the office of his uncle, George F. Hoar, at Worcester, where he remained till October, 1868, when he accepted the position of pardon clerk in the office of the Attorney-General at Washington,

under his kinsman William M. Evarts. He retained that place for a while under his father, when on the accession of General Grant to the presidency Judge Hoar succeeded Mr. Evarts. Under such auspices he enjoyed unusual opportunities of seeing the distinguished men of the day and of learning how history is made, and he did not neglect them.

He left Washington in the summer of 1869, spent a year at the Harvard Law School, was admitted to the Bar in June, 1870, and was shortly afterward appointed clerk of the District Attorney for Suffolk County. He held this position for two years, gaining much familiarity with criminal law and practice, and adding to his knowledge of men by seeing something of the unhappy class with which a public prosecutor is brought into constant contact. In 1873 he became one of the editors of the "American Law Review," and continued to act as such for six years, finding the work congenial and interesting. These positions occupied only a part of his time, and the rest he devoted to general practice, upon which he entered with keen enjoyment. When his father resigned the office of Attorney-General and returned to the Bar, his son joined him and they took offices together in Pemberton Square, where they continued until Judge Hoar's death.

The practice of Samuel Hoar was extensive and varied until he became the general counsel of the Boston and Albany Railroad Company, upon the de-

cease of Judge Soule, in October, 1887. When the property of that corporation was leased to the New York Central and Hudson River Railroad Company in 1900, he became also the counsel in Boston of the lessee, and he held his position as counsel for the two corporations until his death. The business of the Boston and Albany Railroad Company before the courts, the legislature, and the Interstate Commerce Commission, and the great variety of difficult questions upon which his advice was required, made such heavy drafts upon his time, that after he became its counsel, his professional activity was of necessity restricted, but he continued to act in important matters for other clients, and conducted with great success some difficult litigation, like the controversy between the Boston Belting Company and the City of Boston, the suits which determined how far the property of Harvard College is subject to taxation, and others of like magnitude. As counsel for the Boston and Albany Railroad Company he dealt with the difficult problems arising from the abolition of grade crossings along its line; as vice-chairman and counsel of the Boston Terminal Company he managed with skill and judgment the controversies between the different interests affected by the erection of the South Station and the readjustment of ways in its neighborhood. He conducted to a successful issue the contest with dissenting stockholders and with opposition of every kind, legitimate and illegitimate, which resisted the lease of the Boston

and Albany Railroad to the New York Central Company, a contest which taxed his strength severely, and called for all his resources of courage, firmness, tact, and patience.

Descended from the brother of Leonard Hoar, the early president of Harvard College, he inherited a loyalty to the College, in the conduct of whose affairs his ancestors had been much concerned. He was chosen an Overseer in 1887, and a member of the Corporation in 1894. In these positions, and as its counsel in legal matters, he freely made large contributions to its service, and among its counselors there was none whose judgment was more valued or whose devotion was more absolute than his. He was elected President of the Alumni in 1903.

Though he inherited from many sources the aptitude for public life, he seems not to have felt its attraction. In 1878 he was for a year a member of the Republican State Committee, and he served one term in the Massachusetts House as a representative from his district in 1881. He never held nor apparently desired any other political office. When Mr. Blaine was nominated for President in 1884, Hoar felt the same instinct which had led his family a generation before to leave the Whig party, and he became an active member of the Independent Committee, which led the Republicans who refused to support the candidate of their party. He threw himself into the campaign, which resulted in the election of President

Cleveland, with the utmost vigor and enthusiasm, and was of the greatest service in the councils of the Committee, but his regard for the feelings of his father and uncle, who remained with the Republican party, prevented his taking a more public part in the work, or making any speeches during the contest. From that time on, whatever his private feeling may have been, he took no active part in politics, though he consistently supported the Republican party. His strong public spirit showed itself, however, in the service which he constantly rendered to his native town. As chairman of its selectmen and of its water commission, as president and trustee of its Public Library, as trustee of the Town Donations, and in various other capacities, he gave to Concord freely of his best ability, never seeking nor desiring anything in return. He contributed largely to the success of her various anniversaries, and his address as presiding officer at the exercises held in 1903 to celebrate the centenary of Emerson ranks high in this class of oratory. He was a stanch supporter of the ancient Unitarian church in Concord and a constant attendant at its services, and he was untiring in his affectionate devotion to his family, where his happiness largely centred.

For the first time in ninety years Concord held its annual celebration this spring with no man of his family contributing speech or counsel, though it is pleasant to think that his young son, bearing his father's

name, sat at the request of his fellow townsmen in his father's seat.

The Vice-President of the Bar Association of the city of Boston, a Vice-President and member of the American Unitarian Association, the President of the Massachusetts School for the Feeble-Minded, the president of a savings bank, the Vice-President of the Massachusetts Hospital Life Insurance Company, the President of the Union Club, Samuel Hoar touched the life of this community at many points, and there are few of his contemporaries who have in so many ways, with such unvarying readiness, with so little ostentation, and with so little desire for public recognition, contributed so much to help and to maintain the high traditions of Massachusetts citizenship. So quietly has he done it all that even his intimate friends, as they study the record of the life now so suddenly ended, are surprised to find how little they have recognized the extent and variety of his activities, and the value of his public service. He seemed in the full maturity of his powers, with no trace of age or weakness, when the bursting of a blood vessel, followed by some days of unconsciousness, ended his life on the eleventh day of April, 1904.

Within the brief limits that are permissible on this occasion it is possible to present only a bare outline of so full a life, and to indicate briefly the character of the man himself. Samuel Hoar from his boyhood up was intensely active, physically and mentally. He was

in every fibre of his being a typical child of New England. There was nothing simple, natural, and real that he did not love, nothing false or pretentious that he did not hate. He understood and knew how to sympathize with men in every walk of life, and was a welcome addition to every circle. He was equally at home before a court or a jury, in a town meeting, or in the corporation of Harvard College, — with a Concord farmer or with the President of the United States. His salient qualities were strength, courage, honesty, practical wisdom, all infused and combined with a strong sense of humor. His manner often seemed aggressive and his exterior rough, but his intimates knew that beneath the shell was as tender and kindly a nature as ever man had, protected by a certain shyness and reserve, and by that incapacity for emotional expression which every New England man knows and understands in others, while he laments it in himself. He was essentially a modest man, who held self-seeking or self-advertising in sovereign contempt. Few men of our time have left behind them more devoted friends, and many whom he quietly helped will feel the want of his sympathy and assistance in their troubles. This instinctive comprehension of men, this keen human sympathy, were united with a moral earnestness, a strength of conviction, which gave him great power over others. His arguments to the court were dignified, powerful, and effective, and there were many who felt that his strong moral sense, his inherited instinct for freedom, his broad grasp of

human relations, his practical wisdom, his love of justice, and his absolute courage fitted him to adorn the highest judicial office and to strengthen any bench upon which he might be placed. An excellent lawyer, a wise counselor, a citizen of rare public spirit and extended usefulness, a brave, honest, very human man in the best sense of the words, has gone from us in his prime, and we would record our deep sense of the great loss which this Bar and the whole community has suffered by his death.

MOORFIELD STOREY,
ALFRED HEMENWAY,
GEORGE V. LEVERETT,
JOSEPH B. WARNER,
WOODWARD HUDSON,
Committee.

ADDRESS OF MOORFIELD STOREY, ESQ.

To the formal memorial which has been presented by your committee I would add a few words of a more personal nature, for I knew Samuel Hoar more than forty years, and at times intimately. Our relations were inherited from our fathers, who were classmates and friends. I was his daily companion in Washington under circumstances and at an age which fostered intimacy. We lived for a while side by side; we were together in the office of the District Attorney; we were colleagues for six years as editors of the "American Law Review;" and this association left a wealth of pleasant memories on which I am always glad to dwell. I have been his associate and his opponent at the Bar. I have known him in every relation of life and under all circumstances, and I have always regarded him with admiration and affection. I never met him without pleasure; I never knew him otherwise than stimulating and delightful; I never left him without regret. No man of my generation has died whose death has come so near to me as his, and this does not make it easier to speak of him as I would.

He was a sincere man, strong in his beliefs, in his prejudices, in his likes and his dislikes, high-minded, clear-headed, and warm-hearted. Whatever he did was

done with all his might. Whatever he said was said frankly and directly. His manner, somewhat brusque at times, had in it nothing of assumption. It seemed naturally to accompany the blunt and uncompromising statement of his opinions to which he was inclined. He never sneered nor insinuated, but said what he meant. Men knew where to find him, and were not misled by ambiguities or evasions. Hence his manner did not wound, but inspired confidence and made for him friends, not enemies.

Behind it, as his intimate friends knew, lay a tender heart and delicate sensibilities. His affections were warm and strong, though his nature was reserved and he rarely showed his deeper feelings. In his serious moments grave and earnest, he was more often gay and full of fun, in his capacity for enjoyment a boy to the last. He was thoroughly alive physically and mentally. His interests were many and varied. Everything human had an attraction for him. His memory was good, his wit keen, his humor unfailing, his conversation full of suggestion. Whether alone with a friend or in a larger circle, his presence made the company agreeable. In his profession he was able, quick, energetic, resourceful, determined; a valuable ally, a dangerous opponent. He took a keen pleasure in his work and liked to think and talk of it. He had a moral weight, a force of character, a capacity of impressing himself upon other men, which gave him great influence with court or jury. He felt the dignity of his

position as a lawyer and upheld the best traditions of the Bar. He would not tolerate indirection, and he was a force on which the community could rely, a force ever ready to support the higher standards of practice and of life.

A strong and true man, a citizen ready to do his full duty to his profession and the state, an ornament to this Bar, has gone. His honorable and useful life is ended too soon, to the lasting sorrow of us all. We who have known him shall never forget him, though we must travel the rest of our journey uncheered by his presence; but we have reached an age when more and more we must live in the past, and in that past to which he contributed so much he will always dwell for us, "secure from change," with the best that we have known.

I move that this memorial which has been presented by the committee be presented to the court, and that they be requested to record it upon the record.

ADDRESS OF ALFRED HEMENWAY, ESQ.

LITTLE need be added to the resolutions which so faithfully portray, in the words of Emerson, "a large composite man, such as nature rarely organizes."

Among the great names in Massachusetts during the last hundred years is Samuel Hoar. A great name is an incubus, if he who bears it be unequal to its traditions. He to whose memory we devote this hour gave an added lustre to the earlier name of his distinguished grandfather. He was born of a noble race, in the County of Middlesex, whose Revolutionary memories are splendidly supplemented by the honor and glory which belong to it as the seat of that university from which he received so much, and to which he gave so much.

He was indeed happy in his birth. His father was the embodiment of New England's highest culture. The son was worthy of his ancestry. He found the business life of the city pleasant and profitable, but he loved the country. He was of sturdy mould. He had robust physical health. His personality and obvious honesty won immediate confidence. He liked controversy. He delighted in argument, and in forensic debate he was at his best. He had caustic wit, bubbling humor, and a human interest in all things. His feelings were deep and strong. He was never a time-server.

His judgment of men and measures was decisive. His dislikes were temporary rather than permanent. He had an inherited sense of propriety. He was a truth teller and a truth lover. He was intellectually independent. He leaned on no man. His subtlety and logical accuracy easily simplified complicated relations.

He had the reserve of the typical New Englander, but under a seeming austerity there beat a warm heart. He was always companionable.

He had a trained common sense. To him principle was authority. He was no metaphysician; he dealt with the concrete. The range of his experience was wide.

In his native town he was an oracle. At our Bar he was a leader. He fought hard, but fairly, and won many victories. His art was compulsory rather than persuasive. He relied on his own strength rather than the weakness of his adversary. He reasoned too clearly to raise a false issue. If he failed, he accepted defeat, if not graciously, at least with equanimity. He met that supreme test of character and worth, that they who knew him best loved him best. His life was successful and happy.

The death of such a man in the maturity of his powers is a distinct loss, not only to family and friends, but to the Bar and to the Commonwealth.

We shall miss him, but we shall not forget him. He has left a memory which is a consolation and an inspiration.

I second the resolutions.

ADDRESS OF COLONEL WILLIAM W. SWAN.

I SHALL leave to others to speak of the record Samuel Hoar has left with us as a lawyer.

Nor shall I speak of his political life, for he had none, however well he may have been fitted for it by his great legal attainments, his comprehensive grasp of affairs, his intense patriotism, and by his uncompromising straightforwardness. He would have been an ideal statesman; perhaps too ideal for lasting success. But circumstances forbade, although he took the greatest interest in national affairs. And so, perhaps unconsciously, he sought an outlet for the workings of his powerful intellect over and above and beyond the demands of his profession, by doing noble acts in the comparatively small community in which he has passed his life.

It is these matters outside of his profession to which I would direct your attention; to the immense amount of work he did for his native town of Concord, for his college, for his church, for the charitable institutions with which he was connected, giving to them all the benefit of his great legal and business experience without charge. It is the strong personality, the individuality seen in this work, full as much as in work as a lawyer and counselor, that marks the man.

In town matters he was the law unto himself. Any-

thing that Mr. Hoar wanted was voted; anything that he opposed was defeated. But this was because his fellow townsmen had learned that he was apt to be right in what he said and explained to them in his clear, earnest, manly, straightforward way. His arguments could be understood and were sound.

He gave much of his time to Harvard University. Such a love as Daniel Webster bore to the little college among the hills of New Hampshire, Samuel Hoar had for the proud queen of universities on the banks of the Charles. But she to him was the same struggling college that she had been in the days of the fathers. I remember his saying years ago that it was a matter of pride to him, and I think he said it was a matter of family pride, to make no charge to his alma mater for anything that he might do for her professionally or otherwise. Finally the day came that he might render her lasting service in a cause involving the right of the city of Cambridge to tax the homes of the officials of the college. It was a proud moment in his life when the decision was rendered in his favor. I think that the proudest moment of his life was when he was elected a Fellow of the University. An associate Fellow says of him in that high office: "No question was too small to interest him, none too large to trouble him, for he brought to bear a very accurate and intimate knowledge of the laws and customs of the University, and he would insist upon a full argument concerning any doubtful case. His

utter love of justice and his clear mind forced him to see that each man and each interest had fair play."

But the town of Concord, and Harvard University, and we of the Bar, and the hundreds of intelligent fellow citizens who knew him, and thousands who did not, are not the only ones who have sustained a loss. At the time of his death he was President of the Massachusetts School for the Feeble-Minded, an institution of which some twenty years ago, influenced in part as it were by inheritance, but more by the innate promptings of a sympathetic heart, he accepted the position of trustee. At the time it was a feeble little school, hardly out of the experimental stage, with not much over a hundred inmates, housed in the old poor-house at South Boston. To-day, thanks to Samuel Hoar, I think more than to anybody else, it is an institution holding an estate of 150 acres at Waltham, with accommodation for 1000 inmates, and an estate at Templeton of 2000 acres, where there are now 150 ill-favored big boys and men leading a happy farming life, and room for 2000 more. This is not the place to extol the merits of the Massachusetts School for the Feeble-Minded. It is sufficient to say that it is a model institution; that the experiment with the colony at Templeton has worked a revolution in the treatment of the feeble-minded all over the United States. Samuel Hoar became associated with the school while it was yet in leading strings. He has given much time to it. Every contract of importance these last twenty

years has been drawn in his office. Only last summer he gave up several days of his vacation to come from Bar Harbor to Boston to arrange for an important matter which could not be delayed. Truly these people, at the very bottom of the human scale, have lost a benefactor.

I have said elsewhere that he was a patriot; that he had an intense love for his country; that in his boyhood he fought for his country in the war of the rebellion; that at home or abroad he was proud to be an American, and had a contempt for those who copy the manners of foreigners. He was a New Englander and took pride in keeping up the customs of early New England people. No man ever surpassed him in loyalty to a friend.

Samuel Hoar did not grow old. Such as he was thirty years ago he was to the end. He was gay, bright, brilliant; the very prince of good fellows. Nature had been generous in her gifts to him. He was born of a distinguished family in a distinguished locality; he had a robust constitution, a remarkably fine figure, a face showing great strength of character. His domestic life was of the happiest. He had everything to live for. And in return he loved nature. He loved the country. He loved the woods and the fields, his old-fashioned garden and bright flowers. Indeed, he loved this earth and all that grows out of it. He was taken away before he had reached threescore years. It is hard to reconcile ourselves to his early death. But it may be

a consolation to know that he had a firm belief in the eternal Right and an abiding faith in the immortality of the soul, a subject of which I speak only with awe, but which, I believe, should not be passed without mention on a solemn occasion like this.

ADDRESS OF GEORGE V. LEVERETT, ESQ.

While I met Mr. Hoar as a lawyer and knew and admired his strength, his tenacity, his sincerity and honesty in his professional work, and his broad and firm grasp of legal principles, I shall not attempt to add anything to what has been said here to-day in this respect, but shall endeavor to present him as he appeared to his classmates.

I became acquainted with Samuel Hoar in September, 1864, when he joined our class at Harvard in the beginning of the Sophomore year. He was then, as ever, active in mind, strong in character, decided in opinion, and intolerant of every mean action and low motive. He enjoyed life intensely, and was throughout his whole college course a leader in all the pranks and sports of college life. He also had in full measure, and more than full measure, the honors which come to a student from the suffrages of his fellow students.

I was not only his classmate but also his friend, for with his largeness of heart he made every member of his class his friend, and seemed to take an especial interest in the fortunes and successes of each.

This interest he manifested through life. He always had for each classmate a warm greeting, which seemed to come from the depths of his sincere and earnest nature. In all class matters he was especially interested, and never permitted a social or business engagement to keep him from a class meeting. After he became a Fellow of the Corporation he always found time amid the pressing duties of Commencement to visit the Class Room and enroll his name in the Class Book. There was no one from whom advice in class matters was more sought, and no one could have given advice more freely. In the best sense of the word he pervaded his class and his personal influence was felt by all. He was fond of his classmates, and his classmates were fond and proud of him.

I think he came aright by his affection for his class. Indeed, I may say it was an inherited quality, for I remember when his father responded for the Class of 1835 at its fiftieth Commencement the Judge said that no class had ever graduated from college the equal of the Class of 1835.

Samuel Hoar was not a scholar in college. His name never appeared on the rank list, and I do not think he then exhibited that comprehensiveness, that grasp of principles which he had in later life. But he had latent power, tenacity of purpose, and above all an honest mind; and when in later life larger opportunities came to him and greater responsibilities were

placed upon him, he responded with all the force of a strong nature and developed rapidly; and the fun-loving and somewhat neglectful collegian became the broad-minded and wise counselor, the busy and trusted man of affairs, and a force in this Commonwealth which stood for what was best and noblest in New England life.

ADDRESS OF THEODORE C. HURD, ESQ.

I AM not to speak to-day upon the personal life of the man whom I loved so well. In fact, the memory of days we had on the shore, on the sea, on Concord River, and when he was playing with his boys at home, is too vivid for me to trust myself to speak to you on that topic; but I have been asked in a way to represent the Middlesex Bar, and I desire to speak in that relation.

Any sketch of the Middlesex Bar for generations would be incomplete which did not include Samuel Hoar, his father and his grandfathers.

These men have woven their personalities into the fabric of the civil and judicial life of the county by force of diverse and individual characteristics.

I feel that Samuel Hoar took, by inheritance, the best traits of all his ancestors, and became their equal if not superior.

When his ancestors were building their homes in the forests by the river he loved, the men of the

Massachusetts Bay Colony, in General Court, put this brief bill of rights in the Body of Liberties : —

"No man's life shall be taken away; no man's honour or good name shall be stained; no man's person shall be arrested or be restrained; no man's goods or estate shall be taken from him, nor any way damaged under colour of law or countenance of authority, unless it be by virtue or equity of some expressed law of the country."

With this as a political creed to supplement their religious creed — the right of every man to stand face to face with God and to be judged only by him — was nurtured a strength and sturdiness of character which begat a race of strong-minded, resolute men.

From their loins came Samuel Hoar; and faith and firmness, fearless honesty and inflexible integrity, as well as an assertive independence, ran in his veins.

He and such as he are the best fruits of New England's life.

His memory at the Bar is not that of a brilliant advocate who won verdicts by force of eloquent speech or at the sword point of consummate art. But he left his mark in the books and on the records as the all-round, well-balanced, skillful, resourceful counselor, who safeguarded the interests of his clients, men and women, or great commercial, industrial, or educational corporations.

He could master the legal business of a great railroad in court or legislature, but he would be just as

keen to guard the rights of a shade tree in his village street.

His administrative duties at Harvard University would not interfere with his devotion to the schools at Concord.

In the stress of life at the office and in court, time must be found for town meetings and committee work at home.

The formulating the financial scheme of a great corporation was not more accurately done than his work as the President of the Middlesex Institution for Savings in Concord.

He was a good hater, but he fought face to face with an insistent self-reliance, modified by a rather tardy tolerance.

Convince him, and he was convinced. Justify his friendship, and he was truly and always a friend.

He zealously guarded the fair fame of his town, his county, his college, and his profession, and when, all too soon, he lay down to die, we paused to inquire — where shall they find so strong a champion?

Through all his life in courts, do you know a man who better lived up to the exacting measure of the classic words of the attorney's oath — "I will delay no man for lucre or malice, but will conduct myself in the office of an attorney within the Courts, according to the best of my knowledge and discretion, with all good fidelity as well to the Courts as my clients. I will do no wrong or consent to the doing of any in Court."

THE PRESIDENT: It is moved and seconded that this memorial be presented to the court with the request that it be placed upon the records.

(Agreed to unanimously.)

SUPREME JUDICIAL COURT

HON. MARCUS P. KNOWLTON, CHIEF JUSTICE, PRESIDING

ADDRESS OF ATTORNEY-GENERAL PARKER

THERE has passed from the activities, the duties and responsibilities of practice at the Bar of this Commonwealth one who has been long a most eminent, respected, and illustrious representative, who in character, purpose, and achievement revealed the highest ideals of the faith and aspirations of our profession. In him, to sound learning were added extraordinary powers of reasoning, finding forceful expression in clear, convincing speech, of assistance always to the court in their deliberations, and leading and enlightening the judgment of juries; and these qualities of his were certainly unsurpassed in any of his associates or contemporaries. As counselor and advocate he held a position of unquestioned leadership among the foremost lawyers of his time, and inspired in all who sought his advice or assistance an absolute, abiding confidence that never faded into disappointment or doubt, but justified always the belief that any cause to which he gave his approval and effort ought of right to prevail, through the sagacity and fidelity he gave to its investigation and the resistless vigor with which he gave it presentation.

He had in marked degree that rare capacity characterizing the true lawyer, to discern the decisive points or issues in any cause, and to discard by instantaneous process of elimination all save that which was material to the inquiry or vital in proof. His broad sympathetic knowledge of his fellow men, his intimate acquaintance with the interests of their lives, his appreciation of their points of view, his keen perception of their mental processes, admitted him to the secret chamber of their thought and conscience, where he was able to convince, persuade, or guide their judgment. Under his protection the harassed or oppressed found refuge and sanctuary; from his fearless soul the timorous gained new courage in his presence; with his strong arm and cheering words he instilled hope in the hearts of those who were in despair; and by his indomitable spirit he had taught many of those who knew him that ill fortune might become the stimulus to the unhoped-for success.

I have known no man who exhibited so little of the weakness that is common to all humanity. If he had misgiving or doubt as to the issue of an apparently hopeless conflict, he never faltered or shrank from the uttermost limit of indomitable effort, nor abandoned in the face of any odds or hostile opinion a purpose once conceived and sanctioned by his own sense of duty or of right. These were qualities of a fine, impressive manhood; they were his by right of inheritance, and his by right of that proof which is manifest

in action, in service, and in self-sacrifice. His opinions were formed and his conduct determined by no hasty, unreflecting decision. He wisely considered all that seemed material upon any question before him, and, as I have known him, his mind appeared always open to every legitimate or competent suggestion. He was patient, courteous, and considerate with those who conferred or were associated with him; but once he had reached a conviction upon grounds which he deemed conclusive, he adhered to it with a tenacity that resisted every assault or appeal. I think he did not hold the arts of diplomacy or compromise in high esteem, but found more intellectual excitement and inspiration in compelling or commanding assent, than by persuading disputant or objector to his views; but, if need be, he could employ the arts of most subtle and adroit argument to lead an unwilling mind to the rightful end he had in view.

I believe no lawyer had clients more dependent upon his support and guidance, or who placed like implicit reliance upon his advice, whether the issues affected the rights or interests of directors or stockholders of great corporations, whose vast and intricate affairs he conducted with consummate sagacity, learning, and success, or were involved in those domestic or family relations where no mere learning in the law, skill in advocacy, or the power to compel verdicts sufficed to meet the full requirement of professional responsibility, but where character, wise discretion, and courage to give

that advice which may be undesired but salutary, are essential to avert calamity or restore those relations which are of infinitely graver moment than any rights of property.

He gave devoted service and interest to the affairs of his neighbors, great or humble, and especially to those people of his own countryside, who sought and accepted his opinions as having the authority of final judicial decrees; and many litigations were stayed by his mere utterances, as had been the case through like repute of his ancestors in the old county of Middlesex, since his race first set their hearthstones there and grew in honor and good fame with each generation to this day, by reason of wisdom, integrity, and inflexible sense of justice.

His preparatory studies in the law were exhaustive, and conducted under most favorable and advantageous surroundings. His parentage and his kindred gave him constant evidence of the dignity and power of the law, and of the duties and responsibilities of those who enter its service. He was so required to make account of the gifts that birth and association conferred upon him, and adequately and nobly he has made return to others of these benefits that he had received.

In his early professional life he had known intimately that most educational type of client, the rural litigant. I think there is none other quite so persistent or who requires of his atto quite such full measure of service for his reta fees; nor do I know of

any better or more instructive field for the important study of human nature than that in the scattered communities of a self-respecting and thoughtful, but somewhat self-willed people, who preserve their individual characteristics in greater degrees than I have found in the cities.

A period of service in the office of the Attorney-General at Washington gave him insight, of which his quick perceptions took full advantage, into the administration of the affairs of the federal government, and gave him intimate and equal acquaintance with the leading men of that time.

Thereafter his life was that of a busy lawyer absorbed in the multitudinous affairs of many clients, constantly gaining reputation, rapidly winning his way to eminence through that general practice which tried and developed every quality that was essential to make him what he was, — a real common lawyer, the thoroughly equipped counselor and advocate, competent to conceive and consummate within the full approval and protection of complex statutory provisions extensive corporate organizations or combinations, or to embody in legislation those enactments which keep pace with or wisely anticipate the infinite complications growing out of the development of corporate activities; or to argue questions of fact to a jury in such manner as to win verdicts even against an almost universal popular prejudice; or so present an issue of first impression of law to the court as to make his argument take the per-

manent form of the recorded declaration of judicial opinion.

But the duties and obligations of his profession did not limit or circumscribe his energy, his service, or his friendship for his fellow men. In character and intellect he was of the stern New England type, but more charitable in his judgment of others than of himself. His character was that of the men who have given life, vigor, and virtue to our own Commonwealth, and whose vitality has again created and maintained our sister republics beyond the borders of our own western hills. He was a faithful, loyal, and devoted friend, generous and warm-hearted, and had gained the affection and regard, mingled always with admiration, of those who knew him. Widely read and of extended acquaintance among men and women of genius, his conversation held the delighted attention of every company, and all of us will remember always his talent for graphic narration of anecdote or episode, born of the experience of his professional life or from his participation in the affairs of his time. He had the keenest sense of humor, and his wit was as the flash of the lightning, illuminating or destructive, as he might will to send the bolts harmless through the atmosphere, or scorch and wither the victims of his shafts. Active in every good work of his ancestral town, sharing in every responsibility of citizenship, proud of the prestige and influence of the place of his birth and of his family traditions, he lived there as his forbears had lived before him, most eminent

among her citizens, her adviser, her champion, her most devoted son. His professional labors and his service to the law have not passed with the breath of his being. The annals of the courts shall preserve them, and they shall live in the life of the statutes of the Commonwealth. When we reflect that we shall see him no more among us, and that a life of such beneficent activity is ended, we are inconsolable, and in our first repining do not note the light that will nevertheless shine forever while men have memory or the records of good deeds are preserved and held in mind. We cannot in our early sorrow realize the living force of example which will by admonition and inspiration make immortal that which we had thought to have been taken from us by death.

RESPONSE OF CHIEF JUSTICE KNOWLTON

Brethren of the Bar: — When we assemble in this room to pay our tribute of respect to one who was eminent in our profession, we naturally think of him first as a lawyer. We see him as he was in the court room. We recall the accustomed play of his intellectual faculties in the trial of a case or the argument of a question of law. We remember the character and quality of the work in which he was commonly engaged.

Tried by any test, Samuel Hoar satisfied all requirements for honorable membership in a profession which maintains high standards of ability and character

for those who would attain distinction in it. His was a vigorous body controlled by a master mind. Every movement that he made, physical or mental, was an expression of sturdy strength, often showing great adroitness. Quick, alert, energetic, and active, he was ready for an emergency. Opposition roused him to instant and vigorous action. His attack was upon the foe in front, direct and bold. A flank movement, effective as he could make it, was little to his taste.

His reasoning faculties carried him onward easily, and his arguments were without defects in logic. He always knew the strong points of his case, and directed his efforts to the presentation of them. He gave little time to the discussion of unimportant questions. He had an incisiveness of method and a pungency of statement that enlivened his discourse, and carried his thoughts home to the intelligence of his hearers as if propelled by a rifle shot. Often there was a play of humor in his discussions, which did not diminish the weight of his argument, but relieved from the strain of continuous reasoning, and reënforced his position by an amusing sketch or a witty characterization. His legal learning was accurate and ample.

Perhaps the most striking feature of his work as a lawyer was his earnestness. He was habitually engaged in the declaration of truth as he understood it, and he was intensely interested in his effort to con-

vince the tribunal before him. If ever he was doubtful of the correctness of his position, or if opposing considerations weighed heavily against him, he failed to reach the full fervor and force which characterized his most successful efforts. His mental and moral integrity made it difficult for him to present a proposition that was unsound, or an argument that did not seem to him convincing. But in the cases that he usually argued, which satisfied his intellect and aroused his enthusiasm, he was a tower of strength. In attack and in defense he was equally ready and equally successful.

An important part of his professional service was rendered as the adviser of great corporations, upon matters of policy as well as of law. In this way he often dealt directly with public interests while specially guarding corporate rights. His wisdom in devising measures advantageous to his clients, with a due regard for the public good, deserves great commendation.

His life as a lawyer did not leave him inactive as a citizen. His ancestors for generations had been renowned for patriotism. Several of them fought for liberty at Concord Bridge, while one served in the Continental Congress, signed the Declaration of Independence, and assisted in framing the Constitution of the United States. At different times in more recent years, the governments of the state and nation, in each of their three departments, were served devo-

tedly by his grandfather, father, brother, and uncle, and by others of his near relatives. From his infancy he breathed an atmosphere of loyalty and public spirit. Through his life he exemplified that love of country which was a highly valued part of his inheritance. The historic town which was his birthplace never had a more devoted son or a more helpful inhabitant. His interest in her welfare was absorbing and constant.

With characteristic industry and fidelity, he served in the legislature of his native State. As a private citizen he was watchful of legislation and the tendencies of government, and he often exerted a potent influence in the promotion of good measures and the defeat of bad ones. He was fearless and outspoken in the performance of duty. His courage was adequate for every occasion.

The qualities which distinguished him in the performance of his professional and civic duties shone with a brighter radiance in the broader field that includes all other relations to one's fellow men. Education, religion, and charity had a large part in his thought and life. For many years he served his University in important official stations, giving generously his time and strength to the advancement of her interests. His thought was not merely for the Corporation as an educational agency, but more for the young men who seek instruction at her portals. To this and to other charitable institutions he contributed

from his earnings substantial benefactions. Not less earnest was his support of the church with which he was connected. He was not an occasional and indifferent attendant upon the services of public worship. He believed in the importance of this organization as a power for good, and he not only gave liberally of his money for its maintenance, but he gave zealous personal effort to its religious and charitable work.

We mourn the departure of a lawyer whose ability, integrity, and eminence were unquestioned, a citizen whose patriotism and public service were conspicuous, and a man who was a lover of his kind. Seldom do we find a friend so vigorous, so strong, so noble, and so true. We shall remember him with gratitude for the beneficence of his life.

An order may be entered that your memorial be recorded, and the court will now adjourn.

ADDRESS BY SAMUEL A. ELIOT, D. D., AT THE FUNERAL OF SAMUEL HOAR AT THE CHURCH OF THE FIRST PARISH IN CONCORD, MASSACHUSETTS, ON WEDNESDAY, APRIL 13, 1904.

Is not the worth of a man justly measured by the character of the friends who mourn for him? That so large a representation of the best citizenship of the Commonwealth should be present here to-day is a well-deserved tribute to the man in whom were incarnated the common sense, the stability, the civic virtues, the public spirit of a typical New England community. We are here to testify to the influence which this man of simple, genial, upright, useful life has had upon our hearts and upon our higher ambitions.

The life of Samuel Hoar was identified with this beautiful New England town. Amid the general sorrow, Concord mourns him by the highest right. Here he was born: here all the experiences, the sorrows and joys of a blessed domestic life have befallen him. No son of Concord had for this town a greater love, none has given to it a more faithful service. Punctually and faithfully he has discharged the lowliest as well as the highest public duties, and there has hardly been an important institution or enterprise which has proved to be for the benefit of the community with which he

has not been influentially connected. Always he has been looked to for safe counsel and self-denying service. As the years have passed, his sagacity and integrity have more and more impressed themselves on his associates; and he accepted an ever-increasing number of offices of trust in connection with the business and educational and philanthropic institutions of the Commonwealth. His time seemed always elastic and stretched to each new demand.

But he won his place in our affections and wielded influence upon our lives, not through the power of position, but through strength of character and the persuasiveness of high example. His power lay in the fact that in all places, under all circumstances, he rang true. Farmer and mechanic, scholar and seer, all felt his influence. He trusted his neighbors, and his neighbors trusted him. They knew

> "His clear-grained human worth,
> And brave old wisdom of sincerity!
> They knew that outward grace is dust;
> They could not choose but trust
> In that sure-footed mind's unfaltering skill. . . .
> His was no lonely mountain-peak of mind,
> Thrusting to thin air o'er our cloudy bars,
> A sea-mark now, now lost in vapors blind;
> Broad prairie rather, genial, level-lined,
> Fruitful and friendly for all human kind,
> Yet also nigh to heaven and loved of loftiest stars."

Standing at this desk a year ago, he said of Concord's great seer what I may now repeat of this strong soul itself: —

"Where his standard was planted, to that height he had himself attained; yet he was singularly free from self-assertion. He sought for, and seemed eager to recognize, the superiority of others, and lived among us here as other men lived. It is our great felicity that he lived here. He bound us to him by the completeness of his character and the sweetness and simplicity of his life, and by the message of good hope which he continually gave. The supreme test of the neighbor proved his worth."

But, while his life centred here, far beyond the limits of Concord has his influence spread. He took life in a large way, unvexed by disappointments, sunning himself in the warmth of domestic affections, giving a wholesome energy to many noble enterprises, but less anxious to shine in the estimation of others than to preserve his own self-respect. A robust moral health ran through his whole being. He had the large, sober, common sense and the kindly generous heart that we New Englanders demand in the leaders that we trust and follow. His great human sympathies and manly devotion communicated themselves to all who served with him in any enterprise, touching and unsealing the springs alike of resolution and magnanimity. People expected him to share their joys, and equally they went to him for sympathy under adverse circumstances. He had great power for work and equal proclivity for play, with a mirth-provoking element that made him a much-loved com-

panion, while his keen sense of honor won the absolute confidence of all who came in contact with him. His force of character created an atmosphere in whatever company he entered. The gayest welcomed his coming, and the serious sought his counsel. He was full of fun, yet he had deep reserves of nature. Very few of his friends have felt that they reached his inmost self. He knew his incapacity to show his feelings and sometimes regretted it, but the reserve was something born in him. In public speech he was quick and sure in repartee, and amply able to send back to an opponent as good as he got. But he never took unfair advantages. He never said of a man behind his back what he would not say to his face.

He had the courage of his convictions. The easy thing for a man to do in these days is to fall in with the current of conventional opinion and to make life mechanical. The next easy thing is to defy conventional opinion and assert a pretentious independence. Most men belong to one or the other of these two parties. The majority of us are plastic and ready to take up with the thoughts and principles of others. The minority is self-assertive and obtrusively individual. Samuel Hoar was free to follow his own convictions, accepting no thought for the sake of conformity, respecting none for the sake of originality. In his good nature there was nothing of weakness or of fear of giving offense. It was all as erect and resolute as it was wholesome. Had he been more conciliatory I can-

not but think that he would have occupied as high positions in the political life of the nation as have other men of his honored name and race.

A state is justly to be judged by the type of character it naturally produces, the standards of intelligence and public serviceableness it maintains, the manhood it develops. Samuel Hoar, by inheritance and education, by temperament and constitution, in every fibre of his being represented the manhood of the New England he loved and served. We can be well assured of the validity and the stability of institutions that bear such fruit. A rugged frame and sound body enabled him to work hard and persistently. A clear understanding pointed him the way of material success. A sensitive conscience held him in the freedom of the moral law. A devout heart gave him assurance of the reality of unseen verities. He was a New Englander in the characteristic union in him of thrifty common sense and deep emotions. He had one of the warmest and tenderest hearts that ever beat. The stream of his feelings was no shallow and noisy brook babbling over its stones. He was not publicly demonstrative. He bore heart-breaking griefs without a murmur. He never said much about the joys and hopes and loves that he passionately cherished. An unobservant acquaintance might have called him cold. Those who do not understand the New England character sometimes delude themselves into thinking that the volcano that is not always in eruption is extinct. It is, however,

characteristic of the men of Puritan stock to show deep feeling chiefly by silence.

> "Haughty, they said he was at first, severe,
> But owned, as all men own, the steady hand
> Upon the bridle, patient to command,
> Prized, as all prize, the justice pure from fear,
> And learned to honor first, then love him, then revere.
> Such power there is in clear-eyed self-restraint
> And purpose clean as light from every selfish taint."

I cannot trust myself to speak of the dear delights of his home, or of the warmth and loyalty of his friendships; but what normal pleasure he took in all the good gifts of God! He loved the shadows on his lawn and the colors of the flower borders. He delighted in the bright laughter of little children and to listen to the rush of the surf among the rocks. With canny eye he watched the weather, and noted the changing charm of the seasons and the familiar landscape. A quick sensitiveness to beauty played about his rugged strength.

Through all his varied experience, through all his private joys and public cares, ran the feeling of moral obligation, which is the inheritance of every son of New England. However witty of speech or light-hearted his mood, we knew that at the centre of his being was a deep reverence. There was a man of conspicuous ability, of indomitable strength of will well-nigh unmatched in the arena of legal conflict, and at his heart lay ever the religion of trust and hope and love. He was not a dreamer or a philosopher. He

cared little for speculative theology; but, like his ancestors, he honored the Sabbath day and was never absent from public worship. His devotion to this church and the simple Christian faith taught here was absolute. No pressure of affairs could deprive him of the hour of conscious communion with the God of his fathers.

So it is that his influence lies deep down to-day in the hearts of our best and truest. So it is that his example speaks to-day to the young men who have the making of this new century in their hands, bidding them learn to practice a citizenship pure, patriotic, unselfish, steadfast, fraught with the love of the great brotherhood of man and with trust in the heart of the universe. So it is that we are here to pay honor to

> "That grave strength so patient and so pure,
> Calm in good fortune, when it wavered, sure,
> That mind serene, impenetrably just,
> Modeled on classic lines so simple they endure.
>
> "His was the true enthusiasm that burns long,
> Domestically bright,
> Fed from itself and shy of human sight,
> The hidden force that makes a lifetime strong,
> And not the short-lived fuel of a song.
> The longer on this earth we live
> And weigh the various qualities of men,
> Seeing how most are fugitive,
> The more we feel the high stern-featured beauty
> Of plain devotedness to duty,
> Steadfast and still, nor paid with mortal praise,
> But finding amplest recompense
> For life's ungarlanded expense,
> In work done squarely and unwasted days.

"Placid completeness, life without a fall
From faith or highest aims, truth's breachless wall,
Surely if any fame can bear the touch,
His will say, 'Here!' at the last trumpet's call,
The unexpressive man whose life expressed so much."

IN THE COLLEGE CHAPEL

THE death of Samuel Hoar was announced by Francis G. Peabody, D. D., in the College Chapel in Cambridge at Morning Prayers, April 12, 1904, in the short address given below.

ADDRESS OF FRANCIS G. PEABODY, D. D.

Samuel Hoar, of the Class of 1867, for the past ten years a member of the Corporation of the University, died at his home in Concord, Massachusetts, yesterday morning.

He was a lawyer of the highest distinction, learned, acute, witty, painstaking, and forcible. His services to the University, in the councils of the President and Fellows, in the administration of its finances, and in the protection of the University from hostile legislation, were of the utmost importance, and were performed with generosity, self-effacement, and self-sacrifice. His personal character was of the type most representative of the history of Massachusetts, and increasingly rare in the modern world. He was the descendant of many generations of Puritans, living in the same town, perpetuating the same ideals, cherishing the same standards of simplicity, integrity, democracy, and citizenship. No

enlargement of his professional or social life could draw him from Concord. Its town meeting, its plain meeting-house, its village ways and civic duties, commanded and satisfied his mind. He was as much a Puritan as his father, his grandfather, or his great-grandfather, outspoken, severe, rigorous in moral standards, a dangerous lawyer for a guilty man to meet, devoted to his village, his home, his plain ways of worship, his rational religious faith. The austerity of the Puritan character made all the more beautiful the tenderness of heart which bloomed through it like flowers through snow. He was the most affectionate of friends, of classmates, of townsmen; rugged like the New England climate, but quick with kindly deeds, like the sudden coming of the New England spring; bold to contend for the right, like the Minute Man by Concord Bridge, yet at heart a man of the village and the home, a lover of his town, his college, his friends, his faith. Here in this Puritan college, where the names of his ancestors have adorned our rolls since 1650, we gratefully remember this modern Puritan, virile, aggressive, simple, free, wise in affairs, scrupulous in honor, tender in heart.

"Who is the happy warrior? Who is he
Whom every man in arms should wish to be?
. . . . . .
'T is he whose law is reason, who depends
Upon that law as on the best of friends,
. . . . . .
Who comprehends his trust and to the same
Keeps faithful with a singleness of aim,

And therefore does not stoop, nor lie in wait
For wealth or honors or for worldly state,
. . . . . .
He who is thus endowed as with a sense
And faculty for storm and turbulence,
Is yet a soul whose master-bias leans
To home-felt pleasures and to gentle scenes.
. . . . . .
This is the happy warrior, this is he
Whom every man in arms should wish to be."

RESOLUTIONS OF THE UNION CLUB

SAMUEL HOAR died at his home in Concord on Monday, April 11, 1904, in his fifty-ninth year. At the time of his death he was President of the Union Club of Boston, which honors his memory and directs that this memorandum be spread upon its permanent records. His death was as if he had been struck by a thunderbolt from out a clear sky. Even now we cannot realize our loss. We cannot realize that never more shall we hear his cheery voice in our halls; that never again shall we feel the grasp of his hand. He was the personification of health and strength. He was the very exemplification of physical energy. He never tired. Samuel Hoar won for himself a leading place at the Bar; but most men, not clients and not lawyers, know only by hearsay of his work in court, of his general success, of the blows he there gave and the blows he there received. He was a great lawyer, a master. But that was not all; and it is not the lawyer we mourn. It is the man himself, his strong personality. It is the big, hearty, generous, self-reliant, straightforward, good fellow that we shall miss.

Samuel Hoar felt that he had a part to play in life outside of his profession, and it is by the immense amount of work which he did, not directly connected

with his profession of lawyer, that he was best known. Through his life he took much interest in the affairs of his native town, in the church of which he was a member, and in his college, of which he was overseer, and then for some ten years or more a Fellow of the Corporation. To all, town, church, and college, and to other institutions of a charitable nature, he gave the benefit of his great legal knowledge and his great experience in business affairs, without price or pay. How he found time for this multitude of affairs was a marvel.

He was a true patriot. He had an intense love for his country. In his boyhood he fought for her in the war of the rebellion. Afterwards he was content to be a leading citizen without political office. He felt that it was good to be an American. He hated all shams. He was fearless to do right. His word was as good as his bond. He was as true as steel.

He was of sturdy New England stock, and took pride in keeping up the customs of early New England people. The quaint sayings of aged farmers that he heard in his youth, and from time to time in his older years, he remembered and was fond of repeating. He was fond of nature. He knew the trees by name, and the birds. He loved the country, and walked much in the fields and the woods.

He took pride in the Union Club and was ever mindful of its patriotic beginning. He felt highly honored when chosen its President. He was the idol

of his friends, and they were many. He was affectionate and sympathetic. He quoted tender passages from books.

He sleeps in Sleepy Hollow with distinguished ancestors and men of world-wide fame. He was the peer of any of them.

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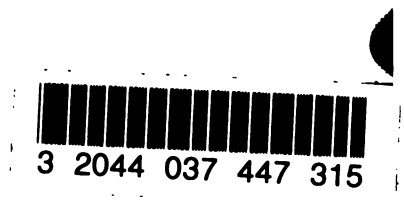

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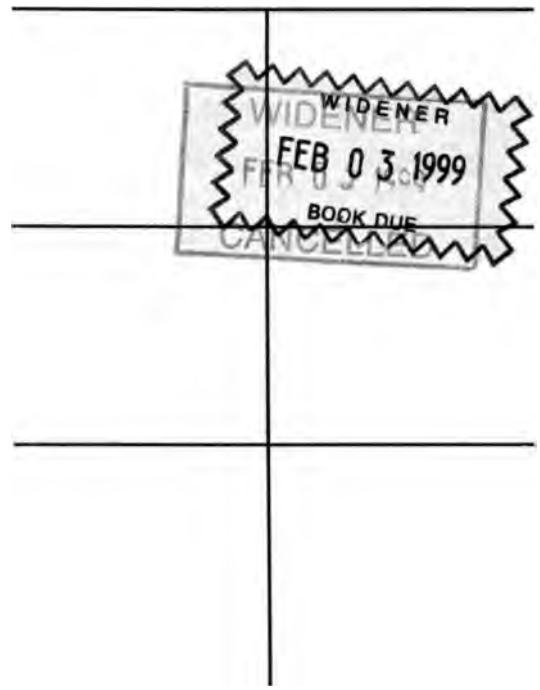
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